

Exhibit 1 to Motion to Supplement

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ZERMATT HOLDINGS, LLC,
and
WFA of SAN DIEGO, LLC,
Plaintiffs,

v.

MARTIN CHRISTOPHER
("CHRIS") COOPER, an individual
and
CHRIS COOPER & COMPANY,
INC, an Ohio corporation,
Defendants.

Case No. 3:23-cv-01423-JJH

Judge Jeffrey J. Helmick

DECLARATION OF DEREK WILSON

I, Derek Wilson, hereby declare as follows:

1. I am competent to testify and have personal knowledge of the matters set forth herein.
2. I am an attorney licensed to practice law in California and Arizona. I am the owner and managing attorney of the Law Office of Derek J. Wilson. I have represented Peter Wheeler ("Wheeler") in his litigation with Zermatt Holdings, LLC ("Zermatt") and WFA of San Diego, LLC ("WFASD") (collectively "Plaintiffs") since January 2022. I subsequently came to represent Martin Christopher Cooper ("Cooper").
3. On January 5, 2024, counsel for Plaintiffs and Defendants received an email from Judge Frederick Link (Ret.), which clarifies his November 3, 2023, order (mistakenly cited as an October order) (the "Order" as referred to in Defendants' Motion to Stay and Plaintiffs' two pending motions to strike) was submitted in his role as the arbitrator for the parties, not as a mediator. The January 5, 2024, email

DECLARATION OF DEREK WILSON

was later reduced to a declaration of Judge Link (the “Declaration”). The Declaration further confirms the November 3, 2023, Order was signed pursuant to the dispute resolution clauses in the November 21, 2022, and March 21, 2023 (both of which select Judge Link to act as the arbitrator concerning disputes between the Plaintiffs, Wheeler, and Defendants). A true and correct copy of Judge Link’s January 5, 2024, email, is attached to this declaration as **Exhibit A**. A true and correct copy of the January 10, 2024, email from Judge Link’s administrator, which attaches the Declaration and the Order it references, is attached to this declaration as **Exhibit B**. For clarity, Exhibit B is divided into three sub-exhibits: **Exhibit B-1** is the body of the January 10 email; **Exhibit B-2** is that email’s first attachment (the November 3 order, which itself attaches the Settlement Agreement); and **Exhibit B-3** is that email’s second attachment (Judge Link’s Declaration).

4. Despite being a recipient of the Declaration and Judge Link’s January 5, 2024, email clarifying his role as an arbitrator, Plaintiffs’ Ohio and California counsel did not mention it in their reply to Plaintiffs’ second pending motion to strike nor the affidavit in support of this reply. Plaintiffs’ affidavit of Mr. Holder also remains silent as to why Plaintiffs asked Judge Link for the Order to begin with—something every pleading filed by Plaintiffs have refused to acknowledge—because Plaintiffs’ counsel unquestionably asked for Judge Link to issue an order in his role as the arbitrator for issues relevant to this lawsuit and now seeks to ignore and strike the Order from this proceeding.

5. Plaintiffs voiced an objection to Judge Link serving as an arbitrator in the pending San Diego arbitration, thus the arbitration has since been reassigned to Judge William McCurine (Ret.) who held a Case Management Conference on January 10, 2024. Judge McCurine was also copied on the email and arbitration orders attached to this declaration as **Exhibit B**.

6. On March 1, 2024, Judge McCurine held a second Case Management Conference with Plaintiffs and Defendants, whereafter Judge McCurine issued an

order stating, *inter alia*, that Judge Link's November 3, 2023 Order "remains in full force and effect." This order is attached to this declaration as **Exhibit C**. Judge McCurine's March 1, 2024 Order was delivered to all counsel of record, including Plaintiffs' counsel.

I declare under penalty of perjury that the foregoing statements are true and correct. Further affiant sayeth naught.

Dated March 11, 2024

A handwritten signature in black ink, appearing to read "Derek Wilson", written over a horizontal line.

Derek Wilson